

Executive Summary – Enforcement Matter – Case No. 49099
Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
RN101511400
Docket No. 2014-1127-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Woodmark Utilities, located south of Farm-to-Market ("FM") Road 346, approximately 1.2 miles west of the intersection of FM Road 346 and U.S. Highway 69, south of Tyler, Smith County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$31,687

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$15,844

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$15,843

Name of SEP: Angelina Beautiful Clean (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49099
Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
RN101511400
Docket No. 2014-1127-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: June 25, 2014
Date(s) of NOE(s): July 24, 2014

Violation Information

Failed to comply with permitted effluent limits for total suspended solids, 5-day carbonaceous biochemical oxygen demand, *Escherichia coli*, ammonia nitrogen, and daily average flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013168001 Interim Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (See SEP Attachment A).
2. The Order will also require the Respondent to, within 365 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013168001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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Docket No. 2014-1127-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katelyn Samples, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4728; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Greg Sorenson, President, Liberty Utilities (Woodmark Sewer) Corp.,
12725 West Indian School Road, Suite D101, Avondale, Arizona 85392-9524

Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1127-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Penalty Amount:	Thirty-One Thousand Six Hundred Eighty-Seven Dollars (\$31,687)
SEP Offset Amount:	Fifteen Thousand Eight Hundred Forty-Three Dollars (\$15,843)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Angelina Beautiful Clean
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Angelina, Cherokee, Houston, Jasper, Nacogdoches, Polk, San Augustine, Trinity, and Tyler Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Angelina Beautiful Clean** for the *Household Hazardous Waste Collection project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to conduct events for residents to bring in Household Hazardous Waste ("HHW") such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal ("Collection Event"). When possible, the Collection Event may also provide electronics collection, disposal, and recycling. The Third-Party Administrator or its contractors shall determine exactly which materials will be accepted and how they will be disposed of or recycled. The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event.

Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The Third-Party Administrator shall use only licensed haulers and authorized disposal sites. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Angelina Beautiful Clean SEP** and shall mail the contribution with a copy of the Agreed Order to:

Angelina Beautiful Clean
Attention: Amanda Anderson, Project Manager
1615 South Chestnut Drive
Lufkin, Texas 75901

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	28-Jul-2014	PCW	7-Aug-2014	Screening	7-Aug-2014	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.						
Reg. Ent. Ref. No.	RN101511400						
Facility/Site Region	5-Tyler			Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49099	No. of Violations	3
Docket No.	2014-1127-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lanae Foard
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	95.0%	Enhancement	Subtotals 2, 3, & 7	\$15,437
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Notes: Enhancement for 10 months of self-reported effluent violations, one order with denial of liability, and one order without denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,074
Estimated Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$31,687
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$31,687
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$31,687
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$31,687
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Screening Date 7-Aug-2014

Docket No. 2014-1127-MWD-E

PCW

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49099

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101511400

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 95%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 10 months of self-reported effluent violations, one order with denial of liability, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 95%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 95%

Screening Date 7-Aug-2014

Docket No. 2014-1127-MWD-E

PCW

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49099

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101511400

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013168001 Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on June 25, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and flow to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed protective levels.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the month of June 2013.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,074

Violation Final Penalty Total \$14,625

This violation Final Assessed Penalty (adjusted for limits) \$14,625

Economic Benefit Worksheet

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Case ID No. 49099

Reg. Ent. Reference No. RN101511400

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Apr-2013	23-Jun-2015	2.15	\$1,074	n/a	\$1,074

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,074

Screening Date 7-Aug-2014

Docket No. 2014-1127-MWD-E

PCW

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49099

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101511400

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013168001 Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on June 25, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate five-day carbonaceous biochemical oxygen demand and flow to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of April 2013.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,313

This violation Final Assessed Penalty (adjusted for limits) \$7,313

Economic Benefit Worksheet

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Case ID No. 49099

Reg. Ent. Reference No. RN101511400

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 7-Aug-2014

Docket No. 2014-1127-MWD-E

PCW

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49099

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101511400

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013168001 Interim Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on June 25, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate five-day carbonaceous biochemical oxygen demand, ammonia nitrogen, and flow to determine whether the discharged amounts of pollutants exceeded protective levels. Total suspended solids and Escherichia coli were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4

305 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of May 2013 and June 2013 through March 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,750

This violation Final Assessed Penalty (adjusted for limits) \$9,750

Economic Benefit Worksheet

Respondent Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Case ID No. 49099
Reg. Ent. Reference No. RN101511400
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Effluent Violation Table
 Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
 TPDES Permit No. WQ0013168001
 Docket No. 2014-1127-MWD-E

Monitoring Period	Five-Day Carbonaceous Biochemical Oxygen Demand			Total Suspended Solids		<i>Escherichia coli</i>		Ammonia Nitrogen			Flow
	Daily Avg. Conc.	Daily Avg. Loading	Single Grab	Daily Avg. Conc.	Daily Avg. Loading	Daily Avg.	Single Grab	Daily Avg. Conc.	Daily Avg. Loading	Single Grab	Daily Avg.
	Limit = 10 mg/L	Limit = 21 lbs/day	Limit = 35 mg/L	Limit = 15 mg/L	Limit = 31 lbs/day	Limit = 126 CFU/100 mL	Limit = 394 CFU/100 mL	Limit = 3 mg/L	Limit = 6.3 lbs/day	Limit = 15 mg/L	Limit = 0.25 MGD
April 2013	15	26	47	c	c	c	c	c	c	c	0.2990
May 2013	c	c	c	c	c	c	c	c	c	c	0.2910
June 2013	c	c	c	c	c	c	c	8.6	16	19	0.2720
July 2013	c	c	c	19	33	c	c	c	c	c	c
August 2013	c	c	c	c	c	c	c	4.6	8.1	c	c
September 2013	c	c	c	c	c	c	c	c	c	c	0.3000
October 2013	c	c	c	22	49	c	c	c	c	c	c
November 2013	c	c	c	22	54	c	c	c	c	c	c
December 2013	c	31	c	24	91	338	649	c	c	c	0.3210
January 2014	c	36	c	c	43	c	c	c	c	c	0.3160
February 2014	13	24	c	c	c	c	c	c	c	c	0.3150
March 2014	c	c	c	c	c	c	c	c	c	c	0.2799

avg. = average
 c = compliant

conc. = concentration lbs/day = pounds per day
 MGD = million gallons per day

mg/L = milligrams per liter
 CFU/100 mL = colony forming units per 100 milliliters

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

Customer, Respondent, or Owner/Operator: CN600788137, Liberty Utilities
(Woodmark Sewer) Corp. dba Woodmark Utilities, Inc. **Classification:** SATISFACTORY **Rating:** 39.79

Regulated Entity: RN101511400, WOODMARK UTILITIES **Classification:** SATISFACTORY **Rating:** 39.79

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: South of Farm-to-Market Road 346, approximately 1.2 miles west of the intersection of Farm-to-Market Road 346 and United States Highway 69, south of Tyler, Smith County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):
WASTEWATER PERMIT WQ0013168001 **WASTEWATER EPA ID** TX0098795
WASTEWATER LICENSING LICENSE WQ0013168001

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 17, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 17, 2009 to September 17, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Lanae Foard **Phone:** (512) 239-2554

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/02/2011 ADMINORDER 2010-1884-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Int. Eff. Lim. & Mon. Req. No. 1 PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 2 Effective Date: 08/26/2013 ADMINORDER 2012-0647-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: TPDES Permit Provision PERMIT
Description: Failure to prevent the unauthorized discharge of sewage sludge into water in the state.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov:TPDES Permit Provision PERMIT

Description: Failure to commence construction of the necessary additional treatment and/or collection units when reaching 90% of the permitted flow.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125

30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov:TPDES Permit Provision PERMIT

Description: Failed to provide accurate flow measurements that conform to those prescribed in the Water Measurements Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 10, 2009	(816367)
Item 2	December 07, 2009	(816370)
Item 3	January 08, 2010	(816371)
Item 4	February 03, 2010	(816372)
Item 5	March 12, 2010	(834961)
Item 6	May 20, 2010	(834962)
Item 7	September 29, 2010	(875363)
Item 8	October 18, 2010	(882920)
Item 9	December 15, 2010	(897702)
Item 10	January 24, 2011	(903593)
Item 11	February 28, 2011	(910486)
Item 12	March 17, 2011	(917724)
Item 13	April 25, 2011	(929158)
Item 14	May 23, 2011	(939433)
Item 15	June 20, 2011	(946844)
Item 16	August 01, 2011	(954100)
Item 17	August 18, 2011	(960683)
Item 18	September 23, 2011	(966774)
Item 19	January 03, 2012	(992067)
Item 20	January 24, 2012	(992068)
Item 21	June 01, 2012	(1017849)
Item 22	June 29, 2012	(1025622)
Item 23	October 21, 2013	(1124304)
Item 24	August 05, 2014	(1101970)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 09/30/2013 (1136744)	CN600788137	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 10/31/2013 (1142158)	CN600788137	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 11/30/2013 (1148600)	CN600788137	

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 12/31/2013 (1154672) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 01/31/2014 (1161994) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 02/28/2014 (1168608) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 03/31/2014 (1175778) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 04/30/2014 (1181999) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 05/31/2014 (1188894) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 06/30/2014 (1194467) CN600788137
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
LIBERTY UTILITIES (WOODMARK	§	TEXAS COMMISSION ON
SEWER) CORP. DBA WOODMARK	§	
UTILITIES, INC.	§	
RN101511400	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2014-1127-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located south of Farm-to-Market Road 346, approximately 1.2 miles west of the intersection of Farm-to-Market Road 346 and United States Highway 69, south of Tyler in Smith County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on June 25, 2014, TCEQ staff documented the following from the Facility's discharge monitoring reports ("DMRs"):

Effluent Violation Table

	Five-Day Carbonaceous Biochemical Oxygen Demand			Total Suspended Solids		<i>Escherichia coli</i>		Ammonia Nitrogen			Flow
	Daily Avg. Conc.	Daily Avg. Loading	Single Grab	Daily Avg. Conc.	Daily Avg. Loading	Daily Avg.	Single Grab	Daily Avg. Conc.	Daily Avg. Loading	Single Grab	Daily Avg.
Monitoring Period	Limit = 10 mg/L	Limit = 21 lbs/day	Limit = 35 mg/L	Limit = 15 mg/L	Limit = 31 lbs/day	Limit = 126 CFU/100 mL	Limit = 394 CFU/100 mL	Limit = 3 mg/L	Limit = 6.3 lbs/day	Limit = 15 mg/L	Limit = 0.25 MGD
April 2013	15	26	47	c	c	c	c	c	c	c	0.2990
May 2013	c	c	c	c	c	c	c	c	c	c	0.2910
June 2013	c	c	c	c	c	c	c	8.6	16	19	0.2720
July 2013	c	c	c	19	33	c	c	c	c	c	c
August 2013	c	c	c	c	c	c	c	4.6	8.1	c	c
September 2013	c	c	c	c	c	c	c	c	c	c	0.3000
October 2013	c	c	c	22	49	c	c	c	c	c	c
November 2013	c	c	c	22	54	c	c	c	c	c	c
December 2013	c	31	c	24	91	338	649	c	c	c	0.3210
January 2014	c	36	c	c	43	c	c	c	c	c	0.3160
February 2014	13	24	c	c	c	c	c	c	c	c	0.3150
March 2014	c	c	c	c	c	c	c	c	c	c	0.2799

avg. = average conc. = concentration lbs/day = pounds per day
mg/L = milligrams per liter c = compliant MGD = million gallons per day
CFU/100 mL = colony forming units per 100 milliliters

4. The Respondent received notice of the violations on July 29, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013168001 Interim Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Thirty-One Thousand Six Hundred Eighty-Seven Dollars (\$31,687) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Fifteen Thousand Eight Hundred Forty-Four Dollars (\$15,844) of the administrative penalty and Fifteen Thousand Eight Hundred Forty-Three Dollars (\$15,843) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty-One Thousand Six Hundred Eighty-Seven Dollars (\$31,687) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc., Docket No. 2014-1127-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Fifteen Thousand Eight Hundred Forty-Three Dollars (\$15,843) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that, within 365 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013168001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

5/8/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc. I am authorized to agree to the attached Agreed Order on behalf of Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

January 8, 2015
Date

Gregory S Sorenson
Name (Printed or typed)
Authorized Representative of
Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.

President - AZ/TX
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-1127-MWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Penalty Amount:	Thirty-One Thousand Six Hundred Eighty-Seven Dollars (\$31,687)
SEP Offset Amount:	Fifteen Thousand Eight Hundred Forty-Three Dollars (\$15,843)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Angelina Beautiful Clean
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Angelina, Cherokee, Houston, Jasper, Nacogdoches, Polk, San Augustine, Trinity, and Tyler Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Angelina Beautiful Clean** for the *Household Hazardous Waste Collection project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to conduct events for residents to bring in Household Hazardous Waste ("HHW") such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal ("Collection Event"). When possible, the Collection Event may also provide electronics collection, disposal, and recycling. The Third-Party Administrator or its contractors shall determine exactly which materials will be accepted and how they will be disposed of or recycled. The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event.

Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The Third-Party Administrator shall use only licensed haulers and authorized disposal sites. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Angelina Beautiful Clean SEP** and shall mail the contribution with a copy of the Agreed Order to:

Angelina Beautiful Clean
Attention: Amanda Anderson, Project Manager
1615 South Chestnut Drive
Lufkin, Texas 75901

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. The Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc.
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.